

# **EXHIBIT E21**

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF HUMBOLDT

CARLA ALLEN,

Plaintiff,

vs.

Case. DR 180132

BRENNTAG NORTH AMERICA, INC.,

(sued individually and as

successor-in-interest to MINERAL

PIGMENT SOLUTIONS, INC., and as

successor-in-interest to WHITTAKER

CLARK & DANIELS, INC.,) et al.,

Defendant.

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REPORTER'S TRANSCRIPT OF PROCEEDINGS  
HAD BEFORE JUDGE TIMOTHY A. CANNING  
Volume XVI  
Eureka, California  
Wednesday, October 17, 2018

Reported By:

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JOB NO. 148417

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1 and what you were using as a framework is whether  
2 or not you had a particle that was longer than 5  
3 with as an aspect ratio greater than 3 to 1 for  
4 PLM. That's what you said, right?

5 A. Okay --

6 Q. Dr. Longo --

7 A. It was bundles we were looking at. Those  
8 are bundles. You've got pictures of every one of  
9 them are a bundle; you can't see a single fiber.  
10 You can see the reflection of the light through the  
11 bundle and see these fibers. But we followed the  
12 method greater than 3 to 1. The individual fibers  
13 in these bundles are all greater than 15 to 1.

14 Q. I realize that you don't hold yourself out  
15 as a geologist or mineralogist, but do you know or  
16 can you describe for the jury what are some of the  
17 sub habits of the non-asbestiform habit? Do you  
18 know some of the ways you would characterize a  
19 non-asbestiform particle?

20 A. For these, typically they are less than 3  
21 to 1. They don't have parallel sides. They  
22 have -- they don't meet the definition of a  
23 regulated asbestos fiber. That's how you take out  
24 the non-regulated asbestos fibers by the counting  
25 rules.

1 Q. You talked about the Campbell paper on  
2 direct, 1977 paper that was published in the Bureau  
3 of Mines, right?

4 A. Correct.

5 Q. The Campbell paper talks about how you  
6 define something that is asbestiform and  
7 non-asbestiform. The non-asbestiform habit  
8 includes particles that are sometimes called either  
9 blocky or equant, e-q-u-a-n-t, or prismatic or  
10 acicular. Those are all habits of the  
11 non-asbestiform habit, correct?

12 A. Yes, sir. That's what he states.

13 Q. And each one of those types of particles  
14 refers to something that is called a single  
15 crystal, right? Like a fiber that has just one  
16 crystal, true?

17 A. True.

18 Q. A bundle -- we are talking about bundles.  
19 If we think about a bundle of sticks or we think  
20 about a broom with the thistles and each one of  
21 those things being an individual crystal or we  
22 think about string cheese with each strand being a  
23 separate crystal, do you have those images in mind?

24 A. Yes.

25 Q. Bundles by definition are bundles of

1 multiple crystals, true?

2 A. All going in -- all pointed in a  
3 particular -- all in a parallel direction.

4 Q. And for the record, I showed the witness  
5 this board, aren't the images on here, sir,  
6 actually something that was in a slide show from  
7 your direct, and I'm going put it up here once I've  
8 shown His Honor the board because I'm not sure he's  
9 going to be able to see it.

10 THE COURT: Thank you, sir.

11 BY MR. TOVEY:

12 Q. This particle on the lower right hand  
13 quadrant, and it's labeled asbestiform is the same  
14 image that you had in your slide show for tremolite  
15 asbestos, isn't it?

16 A. No. I don't -- we didn't have any SEM  
17 slides of the samples we analyzed. They were all  
18 transmission electron microscopy.

19 Q. We can agree, though, that the particle on  
20 the bottom is a classic asbestos bundle, right?

21 A. I would agree.

22 Q. We can see that there is a -- that there  
23 are a number of long, thin fibers that are loosely  
24 held together as a bundle, right?

25 A. Well, no. You have SEM there. I would

[illegible]

I, LINDA VACCAREZZA, CSR NO. 10201, do hereby certify that I am a Freelance Certified Shorthand Reporter in and for the State of California, and that as such, I reported the proceedings had in the above-entitled matter at the time and place set forth herein;

I further certify that my stenotype notes were thereafter transcribed by me, and that the foregoing pages numbered 3067 to 3288, constitute a full, true and correct transcription of my said notes.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 18th day of October, 2018.

LINDA VACCAREZZA, CSR, RPR, CLR, CRP  
License No. 10201